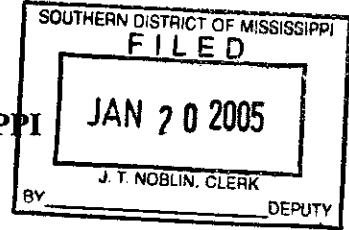


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION
FOR 45-DAY EXTENSION OF TIME**

Defendants seek an extension of at least 45 days to respond to Plaintiffs' First Request for Production of Documents due January 18, 2005. (See Mangold Affidavit at ¶ 7 submitted as Ex. B to Defendants' Motion). Defendants filed their motion after rejecting Plaintiffs' offers to extend the deadline by two weeks to February 1, 2005, and then by 30 days to February 17, 2005, with a rolling production in the interim. (See correspondence between counsel attached as Ex. C to Defendants' Motion). Defendants' motion does not propose producing any responsive documents until March 4, 2005.

Plaintiffs, who are indigent children seeking protection from harmful conditions in the care and custody of the Defendants, will be prejudiced in their timely conduct of discovery within the restrictions of the Amended Case Management Order by a blanket 45-day extension without additional court-mandated assurances that documents will be produced as soon as they become available in the interim. (See Amended Case Management Order attached as Exhibit A hereto).

The documents requested are highly relevant to Plaintiffs' claims and are essential to help identify and focus Plaintiffs' further timely discovery inquiries, including depositions, interrogatories, requests for admissions, in addition to expert consultations. Thirty days having already elapsed since Plaintiffs' First Request for Production of Documents was propounded, Defendants should be able to produce, at least, some responsive documents shortly so that Plaintiffs can begin their review.

Plaintiffs, therefore, respectfully request that the Court only grant the 45-day extension as a firm and final production deadline, with the additional requirements that Defendants produce documents as they become available in the interim, and that Defendants provide to the Court and Plaintiffs, within ten days, a detailed schedule committing to the categories of documents that will be produced by specific interim dates within the 45-day period.

RESPECTFULLY SUBMITTED, this the 19th day of January, 2005.


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PLAINTIFFS' COUNSEL

CERTIFICATE OF SERVICE

I, Melody McAnally, one of the attorneys for Plaintiffs herein, do hereby certify that I have this day cause to be mailed, postage prepaid, a true and correct copy of the foregoing to:

Betty Mallett, Esquire
McGinchev Stafford, PLLC
200 South Lamar St., Suite 1100
P.O. Box 22949
Jackson, MS 39225

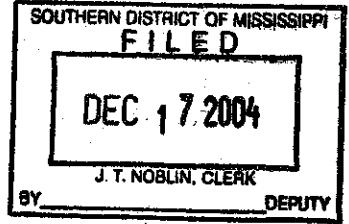
Attorney for Defendants

This the 19th day of January, 2005.



MELODY MCANALLY

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



OLIVIA Y., et al.

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CIVIL ACTION NO. 3:04CV251LN

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DEFENDANTS

AMENDED CASE MANAGEMENT ORDER

This Order, including the deadlines established herein, having been established with the participation of all parties, can be modified only by order of the court upon a showing of good cause supported with affidavits, other evidentiary materials, or reference to portions of the record. THE CASE MANAGEMENT ORDER IS HEREBY ORDERED AMENDED AS FOLLOWS:

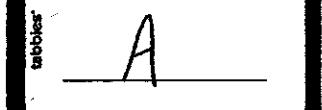
1. Pre-Discovery Mandatory Disclosure:

A. Plaintiffs: Plaintiffs shall comply with all pre-discovery disclosure requirements pursuant to Uniform Local Rule 26.1(A) by December 28, 2004, including the production of all documents identified in Plaintiffs' June 3, 2004 Initial Mandatory Disclosures.

B. Defendants: Defendants shall comply with all pre-discovery disclosure requirements pursuant to Uniform Local Rule 26.1(A) by December 28, 2004. Defendants shall also produce all MACWIS-computerized documentation regarding the current Named Plaintiffs by December 28, 2004. Any documents not disclosed on the basis of privilege shall be identified in a privilege log pursuant to Rule 26 (b)(5) of the Federal Rules of Civil Procedure. Defendants are hereby ordered to disclose and produce during this litigation discoverable documents maintained by the Department of Human Services pursuant to the Confidentiality Order herein notwithstanding the provisions of sections 43-21-251 and 32-21-261 of the Mississippi Code Annotated (1972), and other applicable statutes relating to the confidentiality of such records.

2. Periodic Supplementation: Defendants shall produce quarterly supplementation to the initial disclosure of current Named Plaintiff case records, including all MACWIS-computerized documentation. Quarterly supplementation shall occur within 14 days of the end of each calendar quarter, with the first such

EXHIBIT



supplementation to be produced by January 14, 2005. The first quarterly supplementation shall include all current Named Plaintiff case records that have not been produced since the initial disclosure on July 9, 2004.

3. Motions:

A. Defendants' Opposition to Plaintiffs' Motion for Class Certification shall be filed by January 17, 2005.

B. Plaintiffs' Reply to Defendants' Opposition shall be filed by January 31, 2005.

3. Trial Scheduling Deadlines:

A. **Trial:** This action is set for trial commencing on February 13, 2006.

B. **Pretrial:** The pretrial discovery conference is set on January 12, 2006.

C. **Discovery:** All discovery shall be completed by October 13, 2005.

D. **Experts:** The parties' experts shall be designated by the following dates:

a. Plaintiffs: August 15, 2005

b. Defendants: September 15, 2005

E. **Trial Motions:** All motions other than motions *in limine* shall be filed by: October 28, 2005.

ORDERED

Klee 17, 2005 *Alfred B. Yeager Jr.*

Date

UNITED STATES MAGISTRATE JUDGE